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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,201	08/21/2003	Neil Olesen	ME-34CON	9586
7590	11/10/2004		EXAMINER	
Friedrich Kueffner Suite 910 317 Madison Avenue New York, NY 10017				WILSON, KATINA M
		ART UNIT	PAPER NUMBER	2856

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/646,201	NEIL OLESEN
	Examiner	Art Unit
	Katina M Wilson	2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) Claim(s) 7 is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) is/are objected to.
- 8) Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)

- 4) Interview Summary (PTO-413) Paper No(s)
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Leisinger et al (5617648) in view of Leisinger et al (5787600).

As to claims 1-3, Leisinger et al teaches a dryer mounted in a housing to determine moisture content of a material to be weighed (abstract). The housing comprises a balance 103 with a measuring cell 119, a weighing dish/tray carrier 109 mounted on the measuring cell 119 (col. 4, lines 3-8), heat source 105, and a blower 135 (col. 4, lines 32-39). The blower 135 allows air to travel below the weighing dish and above the measuring cell via duct 143 to permit air to exit the housing (col. 4, lines 16-19 and Figs. 4 and 5). The material to be weighed is placed on the weighing dish and is subjected to heat radiation. To make the material accessible the balance moves in and out of the housing this movement allows the duct to be released from the housing (abstract and Figs. 1, 3, 5, 7). Leisinger et al does not clearly teach a part of the air duct to be detached from the housing, but strongly suggest this limitation with the upper portion of the housing being attached to at least a portion of the air duct (col. 3, lines 23-26). Even though Leisinger et al does not clearly disclose an upper portion of the housing to move about its axis, Leisinger et al 5787600 teaches a front portion of the upper part of the housing 1 is constructed as a cover 19 and can be swung

upwardly about a horizontal axis A (col. 2 lines 43-45). It appears to require a minimal modification (Fig 1, 3, 5, and 7). Since the two patents are by the same inventor the suggestion is obvious to one skilled in the art to have the top portion of the housing to swing upwardly about its horizontal axis, where at least a portion of the air duct is attached to the housing and a design choice to detach the top cover from the housing by sliding off or pulling off. The minimum modification would show at least a portion of the air duct to be detached.

As to claims 4-5, Leisinger et al teaches air to flow around the weighing dish, which is closed to all sides (thermal separation) in radial direction (col. 1, lines 65-67, col. 2, lines 1-3 and all figures) and not to be in direct contact with a display block¹⁷ arranged next to the housing 1 (col. 2, lines 57-59).

3. Claim 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leisinger et al in view of Philipp et al (5485684).

As to claim 6, Leisinger et al teaches a duct to have two sections to facilitate a thermal separation when the balance is in the moved-in position as well as during charging (col. 2, lines 1-3, and 6-10). Leisinger et al does not clearly teach an upper shell is hinged to a rear portion of the housing, thereby allowing the upper shell to tilt about a horizontal axis. However Leisinger et al discloses US Patent Number 5485684, as prior art, which teaches a cover 19 to be swung upwardly about a horizontal axis A using brackets 55 (sol. 4, lines 8-10).

Allowable Subject Matter

4. Claim 7 is allowed.

5. The following is an examiner's statement of reasons for allowance: Claim 7 includes the subject matter, "a single-piece air duct unit, wherein the measuring instrument comprises means for fastening the single-piece air duct unit to the instrument housing" where the means for fastening are releasable, thereby allowing the single-piece air duct unit to be removed from the instrument housing. In combination with the remaining claim limitations, the claim is not taught or suggested in prior art.

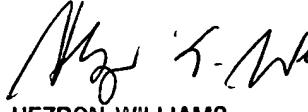
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Closing

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katina M Wilson whose telephone number is 571-272-2209. The examiner can normally be reached on Monday-Thursday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E Williams, can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800